

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Marty Wade Kirkpatrick
Stephanie Jo Kirkpatrick

Chapter 13

Debtor

Bankruptcy No.: 08-20351-ref

MOTION TO RECONSIDER DISMISSAL OF
CHAPTER 13 CASE AND RESINSTATE CHAPTER 13 CASE

Debtors, by and through their counsel, Brenna H. Mendelsohn, Esq. and Mendelsohn & Mendelsohn, P.C., hereby files Motion to Reconsider Dismissal of Chapter 13 Case and Reinstate Chapter 13 Case avers the following:

1. The Debtors' Chapter 13 case was originally filed on 2/21/2008 to case number 08-20351ref and this Honorable Court has jurisdiction over the within matter.
2. On January 5, 2012, the above case was dismissed, without prejudice after notice and an opportunity for a hearing for failure to continue to commence timely payments to the Chapter 13 Trustee.
3. Debtors' Chapter 13 Plan was Confirmed by this Honorable Court on 8/14/2008.
4. At the time the case was dismissed, the Debtors were in arrears to the Trustee in the amount of \$1,316.00.
5. Debtors are requesting an opportunity to reinstate their Chapter 13 case and will bring the arrears fully current prior to the Hearing date for this matter of 2/9/12.
6. Debtors have made a certified payment to the Chapter 13 Trustee in the amount of \$750.00 and attached as Exhibit "A" is a copy of said money order receipt; with said payment the arrears would be reduced to \$566.00.
7. By the hearing on this Motion of 2/9/12, in addition to the \$566.00 now due, debtors will also be due for their January 2012 payment in the amount of \$330.00 bringing the arrears to \$896.00, which debtors aver will be paid in full prior to the Hearing date of 2/9/12 and will provide proof of the payment to the Chapter 13 Trustee's office.

WHEREFORE, Debtors respectfully request that this Honorable Court grant their Motion to Reconsider Dismissal of Chapter 13 case and Reinstate Chapter 13 case.

Dated: January 13, 2012

Respectfully submitted,

BY: /s/ Brenna H. Mendelsohn
Brenna H. Mendelsohn, ESQ
Attorney for Debtors

